

**Minutes of a Regular Session of the Common Council of the Town of Clarkdale
Held on Tuesday, May 14, 2019**

A Regular Meeting of the Common Council of the Town of Clarkdale was held on Tuesday, May 14, 2019, at 6:00 P.M. in the Clarkdale Police Annex, 49 N. Ninth Street, Clarkdale, Arizona.

CALL TO ORDER – Meeting was called to order at 6:00 P.M. by Mayor Von Gausig.

Town Council:

Mayor Doug Von Gausig
Vice Mayor Richard Dehnert
Councilmember Scott Buckley

Councilmember Bill Regner
Councilmember Debbie Hunseder

Town Staff:

Town Manager Gayle Mabery
Administrative Services Director Kathy Bainbridge
Economic/Community Development Director Jodie Filardo
Utilities/Public Works Director Maher Hazine
Police Chief Randy Taylor
Town Clerk Mary Ellen Dunn

PUBLIC COMMENT – The Town Council invites the public to provide comments at this time. Members of the Council may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. §38-431.01(G), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date. Persons interested in making a comment on a specific agenda item are asked to complete a brief form and submit it to the Town Clerk during the meeting. Each speaker is asked to limit their comments to five minutes.

There was no public comment.

REPORTS

Current Events – A brief summary of current events. The Council will not propose, discuss, deliberate or take legal action on any matter in the summary.

Mayor's Report –

- 04/11/19 – Attended Volunteer Appreciation event for Town of Clarkdale Volunteers
- 04/17/19 – Conducted Town Manager interviews and attended candidate open house
- 04/18/19 – Conducted Town Manager interviews
- 04/19/19 – Conducted Town Manager Interviews
- 05/10/19 – Attended League of Arizona Cities and Towns Executive Committee meeting

Mayor Von Gausig reorder the agenda to accommodate Supervisor Thurman's schedule.

PRESENTATION BY DISTRICT 2 SUPERVISOR TOM THURMAN REGARDING THE SUN CORRIDOR TRAIL – A presentation regarding the Sun Corridor Trail Project, a trail system linking Arizona communities and showcasing Arizona's natural resources.

The Sun Corridor Trail (SCT) Project is a multi-agency effort facilitated by the Maricopa County Parks and Recreation Department, Pima County Natural Resources, Pinal County Trails and Open Space, the National Forest Service, Coconino County Parks and Recreation Department, and more than twenty other partnering organizations. The purpose of the project is to link together some of the most scenic and significant regional trails in the southwestern United States.

District 2 Supervisor Tom Thurman will provide information to the Town Council on this project and entertain questions following a PowerPoint presentation. Supervisor Garrison provided additional information regarding known corridors and roadways.

Mayor Von Gausig recommended contacting ASCOT (Arizona State Committee on Trails) for participation.

Action: This is a presentation only. No Council action is required.

Vice-Mayor's Report –

- 04/11/19 – Attended Volunteer Appreciation event for Town of Clarkdale Volunteers
- 04/17/19 – Conducted Town Manager interviews and attended candidate open house
- 04/18/19 – Conducted Town Manager interviews
- 04/19/19 – Conducted Town Manager Interviews
- 04/25/19 – Attended NACOG Regional Council meeting

Councilmember Regner's Report –

- 04/11/19 – Attended dress rehearsal for Bank Robbery Reenactment
- 04/13/19 – Participated in three Bank Robbery Reenactments
- 04/16/19 – Attended Verde Valley Citizens Education Advocates group meeting
- 04/17/19 – Conducted Town Manager interviews and attended candidate open house
- 04/18/19 – Conducted Town Manager interviews
- 04/19/19 – Conducted Town Manager Interviews
- 04/23/19 – Attended Yavapai College District Governing Board meeting
- 05/02/19 – Attended Bank Robbery Reenactment Cast Party
- 05/03/19 – Attended Flinn-Brown Convention
- 05/07/19 – Attended Verde Valley Citizens Education Advocates group meeting

- 05/08/19 – Attended Sun Corridor Trails meeting
- 05/10/19 – Attended Clarkdale Historical Society & Museum meeting
- 05/11/19 – Attended Verde Valley Wine Festival

Councilmember Buckley's Report –

- 04/13/19 - Attended Bank Robbery Reenactments
- 04/17/19 – Conducted Town Manager interviews and attended candidate open house
- 04/18/19 – Conducted Town Manager interviews
- 04/19/19 – Conducted Town Manager Interviews
- 05/11/19 – Attended Verde Valley Wine Festival and Glamping

Councilmember Hunseder's Report –

04/13/19 – Performed in Bank Robbery Reenactments
05/04/19 – Attended Northern Arizona Student Art Show
05/07/19 – Attended Clarkdale Downtown Business Alliance meeting
05/10/19 – Attended Verde Valley Wine Festival; there were over 1500 attendees from all over United States; 56 vendors; 18 sponsors; over 50 volunteers

Town Manager's Report –

Mabery has recently given her 240th Town Manager's Monthly Report and noted that this meeting makes 658 council meetings to date!

05/06/19 - Attended a Verde Front quarterly meeting. The organization appointed co-chairs Cottonwood Mayor Tim Elinski and County Supervisor Randy Garrison; there was a contract executed for Fiscal Management Services

League of Arizona Cities and Towns news: Ken Strobeck sent out his retirement announcement effective January 1, 2020. Ken has served for 14 years.

Upcoming events:

- 05/23/19 – Intergovernmental meeting at the City of Cottonwood at 6 p.m.
- 05/25/19 - First Concert in the Park of the season - Crosseyed Possums will perform from 7 – 9 p.m.
- 05/27/19 - Memorial Day and the Town offices will be closed
- 05/31/19 - First Downtown Block Party of the season at 6 p.m.
- 06/07/19 – Clarkdale Historical Society & Museum will host “In Their Own Words” and Mabery will speak on the development of Clarkdale at 10 a.m. in Clubhouse
- 06/08/19 - Concert in the Park and Matchbox Twenty Too will perform from 7 – 9 p.m.

Organizational Reports – Reports regarding regional organizations.CAT – Cottonwood Area Transit (Councilmember Buckley)

- No report

VVTPO – Verde Valley Transportation Planning Organization. (Councilmember Regner)

- No report

NACOG - Northern Arizona Council of Governments. (Vice Mayor Dehnert)

- 04/25/19 – Group met in Flagstaff.
 - The Legislative Update included state budget surplus of \$840 million this year;
 - Report that the legislation to increase fuel tax is dead; I
 - Isabel Rollins reported that the method of distribution for CDBG survey resulted in comments that most communities satisfied with current rotation system;
 - Clarkdale news: NACOG approved switch in HURF exchange funding with Sedona so can get Broadway Overlay work completed

TPAC – Transportation Policy Advisory Council. (Councilmember Regner)

- No report

NAMWUA - Northern Arizona Municipal Water Users Association. (Councilmember Buckley)

- No report

CONSENT AGENDA - The consent agenda portion of the agenda is a means of expediting routine matters that must be acted on by the Council. All items are approved with one motion. Any items may be removed for discussion at the request of any Council Member.

- A. **Approval of Minutes of the Common Council** - Approval of the minutes of the Regular Meeting held April 9, 2019 and Special Meetings April 2, 18, 23 and 30, 2019.
- B. **Claims** - List of specific expenditures made by the Town during the previous month. April, 2019 check log and PPE dated March 30 and April 13, 2019.
- C. **Board and Commission Minutes** – Acknowledgement of receipt of minutes and draft minutes of the previous month's Board and Commission Meetings.
Design Review Board Notice of Cancellation of meeting April 3, 2019
Planning Commission minutes of the meeting held April 16, 2019

Parks and Recreation Commission minutes of the meeting held April 10, 2019

- D. Verde Valley Humane Society Impound Animal Agreement** – Approval of a FY 19-20 Verde Valley Humane Society Impound Animal Agreement.
- E. Intergovernmental Agreement (IGA) between the Town of Clarkdale and the Arizona Department of Revenue** – Approval of an IGA regarding the uniform administration, licensing, collection, and auditing of transaction privilege tax, use tax, severance tax, jet fuel excise and use tax and rental occupancy taxes imposed by the State or cities or towns.
- F. A Resolution to Assign a Representative-Signature-Certify Security Role to Clarkdale Staff/Applicant** – Approval of Resolution #1600 for purposes of creating an application to the USDA's ReConnect Program Online Application System on behalf of the Town of Clarkdale.

Action: Approve Consent Agenda items A – F as presented.

Motion: Vice Mayor Dehnert

Second: Councilmember Hunseder

Vote:

Voting Member	Aye/Nay
Council Member Scott Buckley	Aye
Vice Mayor Richard Dehnert	Aye
Council Member Debbie Hunseder	Aye
Council Member Bill Regner	Aye
Mayor Doug Von Gausig	Aye

NEW BUSINESS

HISTORIC PRESERVATION WORKSESSION – A discussion of how historic preservation relates to the priorities of the Town, what types of historic preservation policies or issues that might be appropriate for future consideration, and discussion of the inclusion of Historic Preservation as an element in the 2022 Clarkdale General Plan.

Councilmember Regner has requested this agenda item come before Council for discussion. Attached are goals and priorities presented by Councilmember Regner to assist in guiding the conversation.

Also attached is an analysis prepared by Economic/Community Development Director Jodie Filardo which discusses the possible adoption of a Historic Preservation ordinance.

Councilmember Regner led the discussion on this agenda item. Prop 207 has caused design review of residential properties to be removed from most municipalities.

Mayor Von Gausig opened the discussion to public comment.

Michael Lindner, Clarkdale resident – read a prepared statement advocating a “thoughtful and sensible approach for the preservation of our historic town”. Alterations in commercial buildings did not go through DRB that should have gotten a letter from the Town requesting they conform.

Following a brief recess, Mayor Von Gausig resumed the meeting.

Cindy Emmett, Clarkdale resident and Chair of Clarkdale Historical Society & Museum (CHSM) – spoke in support of adding this item to 2022 General Plan.

Mayor Von Gausig read into public comment an email from Drake Meinke, Clarkdale resident spoke against intrusive regulations on historic buildings that may cause negative impacts to economic development.

Mayor Von Gausig closed public comment and Council discussion followed.

Councilmember Hunseder stated she wants to “make sure we protect our heritage and preserve our history”. Discussed businesses that reside in old, historic buildings and advantages they experience. (Knoxville History Project.org) Her personal goals are to preserve, protect historic buildings and have them thrive. She suggested that CHSM provide list of contractors that could serve on advisory basis to homeowners regarding historic building preservation.

Mayor Von Gausig stated that any kind of process that makes it easier for businesses to occupy historic buildings is better for the buildings. Believes it is premature to talk about a commission that has regulatory authority and the General Plan discussion will take place later. He reminded Council of Strategic Planning priorities and that this topic did not rise to the top.

Vice Mayor Dehnert stated that he lives in a 105 year old house. Didn’t turn out to be a large decrease in property taxes for him and that the discussion is really about one block in the Downtown Commercial district. Private property owners have the option of how they develop or not develop their property. Historic preservation has to be a partnership between the Town and individual property owners. Would like the Town to be a partner and support for the CHSM’s efforts but does not think it is time for a regulatory commission associated with the town.

Councilmember Buckley stated he agreed with not regulating homeowners but feels nobody will come to Clarkdale and destroy one of the downtown historic buildings. He said he loves the idea of an advisory committee with lists of contractors that can assist homeowners. He noted that while he supports historic preservation he also likes the 10/12 Bar. He noted that that is a tear-down building that was built back up and it is a “great building”. He stated he continues to want to be in the “heart of historic downtown Clarkdale”.

Action: This is a presentation only. No Council action is required.

MODIFICATION TO BOARDS AND COMMISSIONS INTERVIEW COMMITTEE PROCESS – Discussion and possible action regarding a change to the Boards and Commissions Interview Rules of Procedure.

On April 10, 2018 Council approved the Rules of Procedure for Boards, Commissions, and Committees Selection. At the request of Vice Mayor Dehnert additional language was included to Section E of the Rules:

Section E: Purpose and Appointment of Selection Panel. The Town Council may utilize a Selection Panel for board, commission and committee appointments. The Selection Panel shall be made up of two Councilmembers (appointed by the Town Council), the Town Clerk, at least one Staff liaison from the Community Development Department, and at least one staff Liaison from the Community Services Department. All staff shall be appointed by the Town Manager. Once the Selection Panel members are appointed, the Panel shall remain consistent throughout each Selection/Interview cycle. The selection/interview cycle begins with the appointment of the panel members and continues through Council approval of all recommendations. The purpose of this Selection Panel is to review applications, interview applicants and provide a recommendation to the Mayor and Council for possible appointment to fill vacancies based upon the applicants' skills, experience, and background. ***Selection panel members shall not question board and commission applicants regarding their positions on specific proposals which may come before them as board or commission members.***

Councilmember Regner expressed concerns over adding the prohibitive language. Mayor likes the language. Vice Mayor Dehnert stated he does not want to use the interviews to “stack” the boards and commissions with people who are agreeing on a particular issue.

Council discussion followed regarding various scenarios and examples of proper and improper interview questions.

Town Manager Mabery noted that the panel had a set list of questions and that it might be helpful to bring those questions to the Council and get clarity on what kind of tolerance they have for variance from those questions.

While some Council members thought it would be helpful to be able to deviate from the standard questions, others thought that any deviation might lead to bias.

Action: Council directs staff to modify language to Section E of the Rules of Procedure for Boards, Commissions, and Committees Selection according to the Staff Report:

Motion: Vice Mayor Dehnert

Second: Councilmember Hunseder

Discussion Council discussed where the line should be drawn and it was suggested that when a specific proposal comes before the town that's a current issue, the interview panel should avoid questions regarding that specific issue.

Vote:

Voting Member	Aye/Nay
Council Member Scott Buckley	Aye
Vice Mayor Richard Dehnert	Aye
Council Member Debbie Hunseder	Aye
Council Member Bill Regner	Aye
Mayor Doug Von Gausig	Aye

MASTER SOIL REMEDIATION AGREEMENT – Discussion and possible action to approve a Master Soil Remediation Agreement between the Freeport Minerals Corporation and the Town of Clarkdale, Arizona, in order to grant access to Freeport, its representatives and contractors, access to properties owned by the Town of Clarkdale during soil remediation activities.

The Town of Clarkdale was informed in April, 2015 that Freeport Minerals Corporation (Freeport) had submitted an application with the Arizona Department of Environmental Quality's (ADEQ) Voluntary Remediation Program to undertake the UVSP. According to a Fact Sheet developed by Freeport and provided to the Town at the outset of the project, the United Verde Copper Company operated a copper smelter northwest of Clarkdale from 1915 to 1932. The smelter was reopened in 1935 when Phelps Dodge purchased United Verde and continued to operate until 1953. Freeport is the successor to Phelps Dodge Corporation. Because the United Verde smelter operated in an era before emissions control equipment was commonly used, historical air emissions from the smelter may have deposited metal-bearing particles (including arsenic, copper, lead and zinc) on nearby soil.

Under the Voluntary Remediation Program, Freeport was granted approval from ADEQ to move forward with plans for a soil testing program to investigate potential smelter-related impacts to soil in the area of Clarkdale near the former smelter. The original Study Area generally included the properties located in the residential portion of the historic Clarkdale town site and the Yavapai-Apache Nation reservation and includes multiple properties owned by the Town of Clarkdale. In March, 2017, Freeport received approval from ADEQ to expand the Study Area to include the Mountain Gate, Centerville, Palisades and Panorama Subdivisions/Areas.

As part of the program, if test results determine that metal concentrations in soil exceed the target cleanup levels for the program, then Freeport will offer soil replacement and landscaping restoration at no cost to the property owner.

The Town of Clarkdale, as a property owner, is participating in the United Verde Soil Program. The Town Manager is administratively authorized to execute the Soil Sampling Access Agreements for various Town of Clarkdale properties within the Study

Area (including properties with municipal facilities, alleys, other rights-of-way, parks and other recreation areas, and other miscellaneous Town properties). The results of the soil sampling on most our properties are now complete and, consistent with results from the residential properties in the Study Area, the majority of those properties qualify for soil replacement and landscape restoration due to concentration of arsenic and/or lead that exceed target cleanup levels for the program.

Following receipt of results that indicate metal concentrations in soil exceed the target cleanup levels, property owners (including the Town of Clarkdale) are offered soil replacement and landscaping restoration which requires the execution of a Soil Removal Access Agreement (SRAA). The Town's legal counsel on the UVSP, Chris Thomas from Perkins Coie LLP, has reviewed the Soil Removal Access Agreements and approved them as to form.

Execution of the SRAAs for Town of Clarkdale properties are presented to the Town Council for review and approval throughout the United Verde Soil Program process. Once the SRAAs are executed, Freeport works with the Town Staff to develop site specific work plans for the remediation of each property.

The Town of Clarkdale has executed numerous individual SRAAs for properties owned by the Town of Clarkdale as part of the United Verde Soil Program. In mid-2018, the Town's liability insurance company advised that we needed a more comprehensive agreement defining liability coverage, similar in nature to what we would use with other construction projects. As a result, the Town of Clarkdale worked with our attorneys, our insurance company and Freeport to draft a Master Soil Remediation Agreement which will serve as an "umbrella" agreement to govern the terms of the individual SRAAs that we have executed to date, and all those that we'll execute in the future.

Exhibit A of the Master Soil Remediation Agreement contains a list of all of the SRAAs that the Town has executed through May 1, 2019. Each of those Agreements is covered by this Agreement, and all SRAAs going forward will also be covered by this Agreement.

As Council may recall, we bring each individual SRAA to the Town Council for approval as a Consent Agenda item before they are executed. The last set of SRAAs that was brought forward to the Town Council was approved in February, 2018. Staff has been holding off on seeking approval for additional SRAAs until the Master Soil Remediation Agreement is executed. If Council executes the Master Soil Remediation Agreement at the May 14th meeting, then staff will bring forward additional SRAAs for your approval in June, 2019.

Freeport Minerals Corporation has approved and signed the Master Soil Remediation Agreement, and our Town Attorney has approved it as to form.

Town Manager Mabery presented information on this agenda item to Council.

Action: Approve the Master Soil Remediation Agreement between Freeport Minerals Corporation and the Town of Clarkdale, with an effective date of

May 1, 2019.

Motion: Councilmember Regner

Second: Councilmember Buckley

Vote:

Voting Member	Aye/Nay
Council Member Scott Buckley	Aye
Vice Mayor Richard Dehnert	Aye
Council Member Debbie Hunseder	Aye
Council Member Bill Regner	Aye
Mayor Doug Von Gausig	Aye

VERDE RIVER INSTITUTE REPORT – An update from the Verde River Institute on projects and issues that relate to the Verde River @ Clarkdale.

The Verde River Institute (VRI) is a 501(c)(3) non-profit organization committed to developing and facilitating the implementation of policies that help to ensure that the Verde River in central Arizona retains flows that will support sustainable, healthy and diverse economies and ecosystems.

VRI also helps policy makers understand the many complex water resource issues in central Arizona. They are committed to finding sustainable solutions for the human and natural worlds that depend on the Verde River to supply their needs. They are guided by the principle that responses to demands in the system should also increase the river community's intellectual, political, social, individual, natural, built and financial capital. According to their website, when this goal is realized, the system becomes robust, dynamic and sustainable.

The Vision of the VRI is: Connecting people and resources to promote a healthy, flowing Verde River and a stronger, greater Verde community.

Their Mission: Provide research and data, funding, policy expertise, education and consulting on diverse Verde River issues.

Clarkdale Mayor Doug Von Gausig serves as the Executive Director of the Verde River Institute. Instead of reporting on Verde River Institute topics during his Mayor's report, staff has suggested having a separate agenda item so that the public is more aware that information relating to the Verde River Institute's work will be presented. Mayor Von Gausig will provide on-going updates and reports on Verde River Institute programs and projects that relate to the Verde River @ Clarkdale as part of this agenda item.

Mayor Von Gausig reported that the dam is still primary focus of VRI and has irrevocably changed the river and all of the changes have been positive environmentally. Regner provided a photo of the river change where a cliff side sheared off due to flooding.

Personal flotation device kiosks that had been proposed at Tapco and Tuzigoot have met with some obstacles as Freeport, Arizona State Parks and Arizona Game and Fish are having a difficulty coming to terms as to type of kiosk.

Mayor stated that there has been a lot of interest generated in Verde River Academy and the study of the river.

Action: This is a monthly, or as-needed, report and no Council action is required.

FUTURE AGENDA ITEMS - Listing of items to be placed on a future council agenda.

ADJOURNMENT - Without objection, Mayor Von Gausig adjourned the meeting at 8:10 p.m.

APPROVED:



Doug Von Gausig, Mayor

ATTESTED/SUBMITTED:




Mary Ellen Dunn, Town Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the Town Council of the Town of Clarkdale, Arizona held on the 14th day of May, 2019. I further certify that meeting was duly called and held and that a quorum was present.

Dated this 14th day of June, 2019.

SEAL



Mary Ellen Dunn, Town Clerk